

# COMBINED DECLARATION / POWER OF ATTORNEY

CUSTOMER NO.: 23696

ATTORNEY DOCKET NO.: QCPA235

PATENT NUMBER: 5,912,882

AS BELOW NAMED INVENTOR, I HEREBY DECLARE THAT: This Declaration is of the following type:

- ☐ Original
 ☐ Supplemental
 ☐ Continuation-In-Part
 ☐ Divisional  
☐ Continuation
 ☒ Reissue
 ☐ National Stage of PCT

My residence, post office address and citizenship are as stated below next to my name: I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in U.S. Patent Number 5,912,882, granted 15 June 1999, and for which a Reissue Patent is sought on the invention "Method and Apparatus for Providing a Private Communication System in a Public Switched Telephone Network," the specification of which:

- ☒ is attached hereto.  
☐ was filed on \_\_\_\_\_ as Reissue Application Number  
☐ was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

- ☐ By reason of a defective specification or drawing.  
☒ By reason of the patentee claiming more or less than he had the right to claim in the patent.  
☐ By reason of other errors.

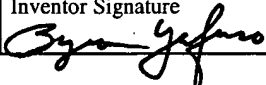
At least one error upon which reissue is based is described as follows:

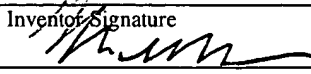
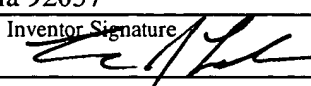
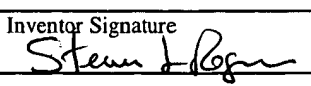
Applicants believe the original patent to be partly inoperative by reason of the patentee claiming less than the patentee had the right to claim in the patent. Applicants believe the claims of the patent to be too narrow. For example, such narrow claims fail to include an apparatus claim directed to a telephone unit, mobile telephone unit, or mobile station in a wireless communication system as detailed by the originally filed specification, such as the examples illustrated in FIGs. 3A, 3B and detailed from col. 7, line 52 to col. 9, line 15 of the issued patent, as well as others. This Application for Reissue seeks to enlarge the scope of the claims of the original patent, and is being filed within two years from the grant of the original patent as required by 35 U.S.C. §251.

All errors being corrected in this Reissue Application up to the time of filing of this declaration under 37 CFR §1.175 arose without any deceptive intention on the part of the Applicants. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected herewith.

Russell B. Miller, Reg. No. 31,122, Gregory D. Ogrod, Reg. No. 30,880, Bruce W. Greenhaus, Reg. No. 37,339, Charles D. Brown, Reg. No. 28,285, Thomas R. Rouse, Reg. No. 40,793, Kent D. Baker, Reg. No. 38,822, Thomas M. Thibault, Reg. No. 42,181, Tom Streeter, Reg. No. 32,007, Christopher O. Edwards, Reg. No. 36,127, Pavel Kalousek, Reg. No. 44,178, Kyong H. Macek, Reg. No. 42,977, Byron Yafuso, Reg. No. 45,244, Raymond B. Hom, Reg. No. 44,773, Kevin J. Clark, Reg. No. 42,421, Sean English, Reg. No. 37,319, Roger W. Martin, Reg. No. 39,291, Sandip S. Minhas, Reg. No. 44,945, Michael D. Hartogs, Reg. No. 36,547, Philip R. Wadsworth, Reg. No. 29,219; S. Hossain Beladi, Reg. No. 42,311, Albert J. Harnois Jr., Reg. No. 46,123, Sandra L. Godsey, Reg. No. 42,589, Maryanne E. DeAngelo, Reg. No. 47,288; and Abdollah Katbab, Reg. No. 45,325. Please direct all telephone calls to Philip R. Wadsworth at (858) 651-4404 and address all correspondence to: Sarah Kirkpatrick, Manager, Intellectual Property Administration, QUALCOMM Incorporated, 5775 Morehouse Drive, San Diego, California 92121-1714.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the reissue application, any patent issuing thereon, or any patent to which this declaration is directed.

Full Name of First or Joint Inventor Byron Y. Yafuso	Inventor Signature 	Date 6/13/01
Residence 10093 Branford Road, San Diego, California 92129	Citizenship USA	
Mailing Address P.O. Box 722564, San Diego, California 92172-2564		

Full Name of Second or Joint Inventor Matthew S. Grob	Inventor Signature 	Date 6/14/01
Residence 8575 Ruelle Monte Carlo, La Jolla, California 92037	Citizenship USA	
Mailing Address 8575 Ruelle Monte Carlo, La Jolla, California 92037		
Full Name of Third or Joint Inventor Eric J. Lekven	Inventor Signature 	Date 6/13/01
Residence 7961 Via Orilla, Carlsbad, California 92009	Citizenship USA	
Mailing Address 7961 Via Orilla, Carlsbad, California 92009		
Full Name of Fourth or Joint Inventor Steven L. Rogers	Inventor Signature 	Date 6/13/01
Residence 13451 Sparren Ct., San Diego, California 92129	Citizenship USA	
Mailing Address 13451 Sparren Ct., San Diego, California 92129		

QUALCOMM, Inc.  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 651-4404  
Facsimile: (858) 658-2502

10430-048867

## ASSIGNMENT

TO WHOM IT MAY CONCERN:

For the sum of One Dollar and other valuable consideration to us in hand paid, receipt of which is hereby acknowledged, be it known that we, **ERIC J. LEKVEN**, a citizen of the United States of America having a place of residence at 3034 Levante Street, Carlsbad, California 92009; **MATTHEW S. GROB**, a citizen of the United States of America having a place of residence at 2757 Bordeaux Avenue, La Jolla, California 92037; **BYRON Y. YAFUSO**, a citizen of the United States of America having a place of residence 10093 Branford Road, San Diego, California 92129; and **STEVEN L. ROGERS**, a citizen of the United States of America having a place of residence at 13451 Sparren Court, San Diego, California 91929, have sold, assigned and transferred and by these presents do sell, assign, transfer and set over unto **QUALCOMM Incorporated**, a Delaware corporation, having a place of business at 6455 Lusk Boulevard, San Diego, California 92121, its successors, legal representatives, or assigns, the whole right, title and interest in and to a certain invention relating to a **METHOD AND APPARATUS FOR PROVIDING A PRIVATE COMMUNICATION SYSTEM IN PUBLIC SWITCHED TELEPHONE NETWORK** by us devised and the application for United States Patent therefor filed in the United States Patent and Trademark Office on an even date herewith, and all original and reissue patents granted thereof, and all divisions, and continuations thereof, including the subject matter of any and all claims which may be obtained in every such patent, and all foreign rights to said invention, and covenant that we have full right to do so, and agree that we will communicate to said corporation or its representatives all facts known to us respecting said invention, whenever requested, and testify in any legal proceedings, sign all lawful papers, make all rightful oaths and generally do everything possible to aid said corporation, its successors, assigns and nominees, to obtain and enforce proper patent protection for said invention in all countries.

00001410-051401

The Commissioner of Patents and Trademarks is requested to issue the Letters Patent which may be granted for said invention or any part thereof unto said corporation in keeping with this Assignment.

Done at San Diego, California this 31 day of January, 1996.

*Eric J. Lekven*  
ERIC J. LEKVEN

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN DIEGO )

On January 31, 1996 before me, the undersigned, a Notary Public in and for said State, personally appeared Eric J. Lekven personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that he executed same.

*Danielle M. Lagnado*  
Notary Public

(seal)



Done at San Diego, California this 31 day of January, 1996.

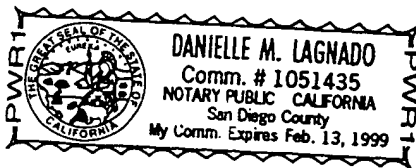
*Matthew S. Grob*  
MATTHEW S. GROB

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN DIEGO )

On January 31, 1996 before me, the undersigned, a Notary Public in and for said State, personally appeared Matthew S. Grob, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that he executed same.

*Danielle M. Lagnado*  
Notary Public

(seal)



09881410-061401

Done at San Diego, California this 31<sup>st</sup> day of January, 1996.

Byron Y. Yafuso  
BYRON Y. YAFUSO

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN DIEGO )

On January 31, 1996 before me, the undersigned, a Notary Public in and for said State, personally appeared Byron Y. Yafuso personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that he executed same.

(seal)



Danielle M. Lagnado  
Notary Public

Done at San Diego, California this 1<sup>st</sup> day of February, 1996.

Steven L. Rogers  
STEVEN L. ROGERS

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN DIEGO )

On February 1, 1996 before me, the undersigned, a Notary Public in and for said State, personally appeared Steven L. Rogers, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that he executed same.

(seal)



Danielle M. Lagnado  
Notary Public

09881410-061401



QCPA235  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JUNE 19, 1996

PTAS

RUSSELL B. MILER  
Q433  
6455 LUSK BOULEVARD  
SAN DIEGO, CA 92121



\*100164659A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/01/1996

REEL/FRAME: 7861/0532

NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

LEKVEN, ERIC J.

DOC DATE: 02/01/1996

ASSIGNOR:

GROB, MATTHEW S.

DOC DATE: 02/01/1996

ASSIGNOR:

YAFUSO, BYRON Y.

DOC DATE: 02/01/1996

ASSIGNOR:

ROGERS, STEVEN L.

DOC DATE: 02/01/1996

ASSIGNEE:

QUALCOMM INCORPORATED  
6455 LUSK BOULEVARD  
SAN DIEGO, CALIFORNIA 92121

SERIAL NUMBER: 08595566

FILING DATE: 02/01/1996

PATENT NUMBER:

ISSUE DATE:

KEITH GOODE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

05001410-000001

04-03-1996

COVER SHEET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

08/595566

AID

Tab settings

To the Honorable Commissioner

100164659

is attached original documents or copy thereof.

1. Name of conveying party(ies):

Eric J. Lekven

Matthew S. Grob

Byron Y. Yafuso

Steven L. Rogers

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies)

Name: QUALCOMM Incorporated

Internal Address: 66201 U.S. PTO

040296



03/05/96

Street Address: 6455 Lusk Boulevard

City: San Diego State: CA ZIP: 92121

Additional name(s) & address(es) attached? ☐ Yes ☐ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

Execution Date: FEBRUARY 1, 1996

4. Application number(s) or patent number(s):

08/595,566

If this document is being filed together with a new application, the execution date of the application is: FEBRUARY 1, 1996

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Russell B. Miller

Internal Address: Q433

Street Address: 6455 Lusk Boulevard

City: San Diego State: CA ZIP: 92121

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41).....\$ 40.00

☐ Enclosed

☒ Authorized to be charged to deposit account

8. Deposit account number:

17-0026

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Brian S. Edmonston

Name of Person Signing

Signature

Date

2-1-96

Total number of pages including cover sheet, attachments, and document:

5



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In Re Reissue Application of</b>	)	
	)	<b>For: METHOD AND APPARATUS</b>
<b>Byron Y. Yafuso, et al.</b>	)	<b>FOR PROVIDING A PRIVATE</b>
	)	<b>COMMUNICATION SYSTEM IN</b>
	)	<b>A PUBLIC SWITCHED</b>
<b>Patent No. 5,912,882</b>	)	<b>TELEPHONE NETWORK</b>
	)	
<b>Issued: 06/15/1999</b>	)	

CONSENT OF ASSIGNEE TO REISSUE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I hereby declare that:

1. My residence, mailing address and citizenship are stated below next to my name.

2. I am authorized to act on behalf of the assignee, QUALCOMM Incorporated, with its principal place of business at 5775 Morehouse Drive, San Diego, California 92121-1714 ("Assignee").

3. In accordance with 37 CFR 3.73(b), Assignee represents that it is the assignee of the entire right, title and interest in the above-identified letters patent by virtue of an assignment from the inventor of said letters patent. The assignment was recorded in the U.S. Patent and Trademark Office at Reel 7861, Frame 0532 on February 1, 1996. A copy of the assignment is attached. Assignee hereby consents to the accompanying application for reissue of the above-identified patent.

4. I declare that all statements that are made herein of my own knowledge are true and that all statements based on information and belief are believed to be true; further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under

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CONFIDENTIAL

Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Respectfully submitted,

QUALCOMM Incorporated

Signature: Louis M. Lupin

Dated: 6/13/01

Name: Louis M. Lupin

Title: Senior Vice President, General Counsel

Residence address: 1218 Caminito Graciela, Encinitas, CA 92024

Mailing address: 1218 Caminito Graciela, Encinitas, CA 92024

Citizenship: USA

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In Re Reissue Application of</b>	)	
	)	<b>For:</b>
<b>Byron Y. Yafuso, et al.</b>	)	<b>METHOD AND APPARATUS</b>
	)	<b>FOR PROVIDING A PRIVATE</b>
	)	<b>COMMUNICATION SYSTEM IN</b>
<b>Patent No. 5,912,882</b>	)	<b>A PUBLIC SWITCHED</b>
	)	<b>TELEPHONE NETWORK</b>
<b>Issued: 06/15/1999</b>	)	

**OFFER TO SURRENDER**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I hereby declare that:

1. My residence, post office address and citizenship are stated below next to my name.
2. I am authorized to act on behalf of the assignee, QUALCOMM Incorporated, with its principal place of business at 5775 Morehouse Drive, San Diego, California 92121-1714("Assignee").
3. I offer to surrender the original patent.
4. I declare that all statements that are made herein of my own knowledge are true and that all statements based on information and belief are believed to be true; further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

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Respectfully submitted,

QUALCOMM Incorporated

Signature: Louis M. Lupin Dated: 6/13/01

Name: Louis M. Lupin

Title: Senior Vice President, General Counsel

Residence address: 1218 Caminito Graciela, Encinitas, CA 92024

Mailing address: 1218 Caminito Graciela, Encinitas, CA 92024

Citizenship: USA

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